



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 20] नई दिल्ली, शुक्रवार, मई 11, 1990/वैशाख 21, 1912
No. 20] NEW DELHI, FRIDAY, MAY 11, 1990/VAISAKHA 21, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 11th May, 1990:—

BILL No. 54 OF 1990

A Bill to provide for employment to all adult citizens by engaging them in nation building activities and to provide for their welfare.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Employment Act, 1990.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires, 'State' includes the Government of India and the Government of a State and all local or other authorities under the control of Government of India or of a State.
3. (1) The Central Government shall frame a scheme to provide employment to all adult citizens, who are unemployed on the date of coming into force of this Act.

Short
title,
extent
and
com-
mence-
ment.

Defini-
tion.

Employ-
ment.

(2) Such citizens shall be engaged in such nation building activities as may be recognised by the State from time to time and they shall be entitled to guaranteed minimum wages so as to ensure them adequate means of livelihood:

Provided that wages payable under this section shall be subject to quality and quantity of work done by an employee.

(3) A citizen who has not been provided with employment shall be entitled to unemployment allowance at the rate to be fixed by the Central Government.

Constitu-
tion of
fund for
welfare
of em-
ployees.

4. (1) There shall be constituted a fund by the Central Government for the welfare of citizens who have been provided with employment under this Act.

(2) The Central Government and the State Governments shall contribute to the fund in such ratio as may be prescribed.

Welfare
of em-
ployees.

5. The State shall, out of the fund constituted under section 4, provide employees and their families with medical care, maternity benefits, education free of cost and shall also provide one dwelling unit to every employee according to his requirements either on rent or lease or cost basis.

Explanation.—For the purposes of this section, the expression 'family' means husband, wife and dependent children.

Pension.

6. All citizens who have been provided with employment under this Act shall superannuate at the age of sixty years and they shall be entitled to pension of a rate to be fixed by the Central Government.

Employ-
ment-
cum-
identity
book.

7. (1) Every citizen, who has been provided with employment under this Act, shall maintain an employment-cum-identity book wherein all particulars relating to his employment, pension and other benefits shall be entered from time to time in such manner as may be prescribed.

(2) If any citizen does not perform duty assigned to him properly, an entry to that effect shall be made in his employment-cum-identity book.

Power to
make
rules.

8. The Central Government may, by notification in the Official Gazette, make rules for the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Unemployment is one of the biggest challenges that our country is facing today. Lakhs of unemployed persons are registered with Employment Exchanges. Although provision of employment is one of the Directive Principles of State Policy, which are fundamental in the governance of the country, the Government is not bound to give employment to all citizens as these provisions are not enforceable.

At present, it is not mandatory for the State to give assistance to any citizen in the shape of job, employment or assist any citizen in his profession, occupation, trade or business. Every citizen has a right to acquire means to fulfil his and his family's minimum needs of food, clothing, housing, health care and education. To get these minimum necessities of life, the State should come forward to assist the citizens in getting employment.

The citizens should be actively engaged in nation building activities and they should be paid adequate wages for that. By this the citizens will get employment and on the other hand the economy of the country will also improve. Provision for payment of unemployment allowance to citizens who have not been provided employment, has also been made in the Bill.

The Bill seeks to achieve the above objectives.

NEW DELHI;
March 13, 1990.

ANADI CHARAN DAS

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the State shall guarantee employment to all adult citizens failing which the State shall pay unemployment allowance at a rate to be fixed by the State. Clause 4 provides for the constitution of a fund for the welfare of the employees to which the Central Government and the State Governments shall contribute. Clause 6 provides that all citizens who attain the age of 60 years shall be entitled to receive pension.

The Central Government has to incur expenditure from the Consolidated Fund of India in respect of provision of employment, unemployment allowance and pension, etc. in respect of Union territories. The Central Government has to assist State Governments also for implementing the provisions of the Bill. It is estimated that an annual recurring expenditure of about rupees ten thousand crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of administrative details only and as such the delegation of legislative power is of a normal character.

BILL NO. 50 OF 1990

A Bill to protect building and construction workers and to provide for their minimum wages, security of job, and such other health and welfare measures for them as are provided for in various labour and industrial laws in force in India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Building and Construction Workers (Conditions of Employment) Act, 1990.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “appropriate Government” means, in relation to any building or construction work, the State or the Central Government, whomsoever has jurisdiction over the site;

Short
title,
extent
and com-
mence-
ment.

Defini-
tions.

(b) "contractor" means a person who undertakes, whether as an independent contractor, agent, employee or otherwise, to produce a given result, for somebody, at the site;

(c) "employer" means the owner of the plot of land or building on which work of construction or repair or the like is going on, who employs one or more other persons to do any work for remuneration or otherwise and includes any person entrusted with the supervision and control of workers in such job, and the principal employer and the person who has the ultimate control over the affairs of any building or construction work or who has, by reason of his advancing money, supplying goods, or otherwise, a substantial interest in the control of the affairs of any such building or construction work, and includes any other person to whom the affairs of the establishment are entrusted, whether such other person is called the managing agent, manager, superintendent or by any other name;

(d) "Fund" means the Building and Construction Workers Welfare Fund constituted under section 19;

(e) "local authority" means the Government officials appointed by the appropriate government to regulate, give permission to construction work, pass plan and designs for the construction work or the similar nature of work;

(f) "prescribed" means prescribed by rules made by the Government under this Act;

(g) "wages" for the purpose of this Act, means wages as defined in clause (rr) of section 2 of the Industrial Disputes Act, 1947;

14 of 1947.

(h) "worker" means any worker (including a woman) employed in any building or construction work to do any skilled or unskilled, manual, supervisory, technical or clerical work, for hire or reward, whether the terms of employment be expressed or implied;

(i) words and expressions used herein but not defined in this Act and defined in the Workmen's Compensation Act, 1923; the Industrial Disputes Act, 1947; the Minimum Wage Act, 1948; the Employees' State Insurance Act, 1948; the Contract Labour (Regulation and Abolition) Act, 1970; the Employers' Liability Act, 1938; the Equal Remuneration Act, 1976; the Fatal Accident Act, 1855; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; the Maternity Benefit Act, 1961; the Payment of Bonus Act, 1965; the Payment of Gratuity Act, 1972, the Payment of Wages Act, 1936; The Personal Injuries (Compensation Insurance) Act, 1963; the Trade Unions Act, 1926; the Weekly Holidays Act, 1942; or similar other Labour Laws shall have the meaning respectively assigned to them in these Acts for the purpose of this Act also.

8 of 1923,
14 of 1947.
11 of 1948.
34 of 1948.
37 of 1970.
24 of 1938.
25 of 1976.
13 of 1855.
30 of 1979.
53 of 1961.
21 of 1965.
39 of 1972.
4 of 1936.
37 of 1963.
16 of 1926.
18 of 1942.

Refe-
rences
to
time of
day.

3. In this Act, references to time of day are references to Indian Standard Time being five and a half hours ahead of Greenwich Mean Time and where the Indian Standard Time is not ordinarily observed, the Government may make rules accordingly.

4. Before proceeding with any building and construction work, the plan and design of the said building and construction shall require approval, licensing and registration by appropriate authority, without which all building and construction work shall be deemed to be illegal. Prior approval, etc. of plan of construction.
5. Every employer and contractor shall give notice of building and construction work to the appropriate authority before commencing any work. Prior notice.
6. There shall be provided a well-equipped Inspection staff to check any unauthorised building and construction activity and to enforce the provisions of this Act. Inspection staff.
7. The local authority shall, maintain a register of construction and building workers of the area with such particulars and in such manner as may be prescribed by law. Register of construction workers.
8. The local authority shall also maintain a register of such employers and contractors who employ or are willing to employ construction and building workers in the area with such particulars and in such manner as may be prescribed by law. Register of employers.
9. Every employer and contractor shall register his name with the local authority of the area before engaging anybody in his work and initiating any construction and building work, Employer to register his name with the authority Penalty.
10. (1) Every employer and contractor who has not registered his name with the local authority shall not engage anybody in his work
- (2) An employer or a contractor who contravenes the provisions of this section shall be punishable with fine which may extend to twenty five thousand rupees.
11. Every building and construction worker shall be paid a minimum wage of rupees nine hundred per month or rupees thirty per day of work subject to adjustment in accordance with the rise in the Consumers' Price Index. Minimum wages to worker.
12. Every day of work done by a worker shall be counted as being continuously on the job for the purpose of total days worked by the worker in any year. Every day of work to be counted.
13. Employers and contractors having permanent and continuous work, in the same area or in other place or places, shall give permanent status to such of the workers who have completed 240 days of work either under him or under some other employers. Permanent status to workers.

Worker
not
to be
rejected
as unfit.

14. No employer or contractor shall reject a worker on the ground that he is not fit or cannot perform a particular job.

Notifica-
tion of
require-
ment of
workers.

15. Every employer and contractor shall, before employing any worker notify his requirement of workers to the registering local authority within whose jurisdiction his activity falls.

Un-
employ-
ment
allowance
to
workers.

16. The appropriate Government shall pay, through the local authority as unemployment allowance to every unemployed worker, whose name appears in the register maintained by the authority for this purpose, at the rate of rupees two hundred per month to an unskilled worker and at the rate of rupees two hundred and fifty per month to a skilled worker.

Insurance
of
workers.

17. Every worker shall be insured, by the local authority, with the Life Insurance Corporation of India for a minimum of rupees twenty five thousand, the premium for which shall be paid by the authority regularly out of the Fund.

Welfare
measures
under
various
laws in
force.

18. The local authority shall take all such welfare and health measures for the welfare of building and construction workers as are provided for in various labour and industrial laws in force in India.

Consti-
tution of
fund.

19. (1) The appropriate Government shall constitute a Building and Construction Workers Welfare Fund to which shall be credited the proceeds of cess levied under section 20.

(2) The Fund shall be utilised for—

(i) various welfare and health measures to be undertaken by the local authorities under section 18;

(ii) providing of pension-cum-provident fund facilities to workers;

(iii) payment of premium towards the life-insurance of workers as provided for under section 17.

(3) The appropriate Government shall provide out of the Fund such sums of money for the purposes of this Act to each local authority as may be determined by that Government in the manner prescribed by rules.

Levy of
cess.

20. (1) There shall be levied by the appropriate Government and collected by the local authorities for the purposes of this Act a cess at the rate of two per cent of the total value of the building or construction work approved by a local authority in its area.

(2) The proceeds of the cess levied and collected under sub-section (1) shall be credited to the Fund constituted under section 19.

21. There shall be constituted an Advisory Council, at the Central as well as at the State levels, to advise the respective Governments on all problems arising from the implementation of the provisions of this Act.

Constitu-
tion of
Advisory
Councils.

22. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to
make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the register of construction workers shall be maintained;

(b) the manner in which the register of employers and contractors shall be maintained;

(c) security of job and other measures as provided for in various labour and industrial laws in force in India;

(d) hours of work, daily interval for rest, spread-over of hours of work, split duty, notice of hours of work, weekly rest, compensatory day of rest, overtime wages for extra work, annual work, annual leave with wages and similar other matters;

(e) the manner in which the amount to be provided to each local authority out of the Fund shall be determined;

(f) any other matter which is required to be or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The building and construction workers in the country are the worst sufferers so far as wages and working conditions are concerned. The system of Bonded Labour is the most common factor in the construction and building industry. The fact that these workers are not organised and are usually coming from distant and remote parts of the country is also the reason for their full exploitation by the building and construction employers. These workers are not being paid minimum wages; in fact they are not paid any regular wages, but are given advances, which are adjusted against their due wages, and the process is never ending, resulting in their bonded existence. There is no fixed job for them and they are being asked to do all sorts of jobs, which mean no skilled status for them. There is no fixed working time for them. The result is that these workers are always underpaid, underfed, under bondage for most of the time of their lives. There is no security of job, no old age provision and mostly they die unsung, unwept and unnoticed. It is, therefore, necessary that some attention is paid to this lot of unfortunate citizens so that they too have some sort of human existence while they live and they have a respectable death when they die. Some protection is necessary during their long service in the shape of such provident fund, health and other welfare measures for them as are provided for in various labour and industrial laws in force in India. The time has come, therefore, that legislation is passed to achieve these objectives soon.

Hence this Bill.

NEW DELHI;
December 28, 1989.

SATYAGOPAL MISRA

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. H-11018/1/90-LW, dated 2 March, 1990 from Shri Ram Vilas Paswan, Minister of Labour and Welfare to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Bill, has accorded his recommendation under article 117(1) and article 117(3) of the Constitution of India for introduction and consideration of the Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for provision of Inspection staff for enforcement of the provisions of the Bill. Clause 7 and 8 provide for maintaining of registers of construction workers and employees by the local authority. Clause 11 provides for payment of minimum wage of Rs. 900/- per month to workers. There are some Government departments who carry out construction work departmentally, e.g., C.P.W.D. and State P.W.Ds., who will also have to pay the minimum wage provided for in the Bill. Clause 16 provides for payment of unemployment allowance to workers by the appropriate Government. Clause 20 provides for levy of a cess for the purposes of the Bill, the collection of which will involve expenditure. Clause 21 provides for constitution of Advisory Councils at the Central as well as the State levels. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on implementation of these provisions in the Union territories and at the same time towards making grants-in-aid to some extent to the States to meet a part of this expenditure. An annual recurring expenditure of about rupees eighty crores is estimated to be incurred from the Consolidated Fund of India on this account.

A non-recurring expenditure of about rupees twenty crores is also likely to be incurred for carrying out the purposes of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 22 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules to be made will relate to matters of detail only which cannot be provided for in the Bill itself, the delegation of legislative power is of a normal character.

BILL No. 68 OF 1990

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1990.

Amend-
ment of
the Sched-
ule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order 1950, in Part IX—Maharashtra, in item 18, for the words “Gond Gowari”, the word “Gowari” shall be substituted.

C.O. 22

STATEMENT OF OBJECTS AND REASONS

Some entries in the list of Scheduled Castes and Scheduled Tribes notified in various Presidential Orders have been the subject of criticism on the ground that the names of certain Scheduled Caste and Scheduled Tribe communities or sub-sections thereof included in these lists sound derogatory because of their disrespectful or undignified connotations. These entries have been amended from time to time.

Gond and Gowari communities are two separate communities and, therefore, these should be shown in the list of Tribes of Maharashtra State separately instead of "Gond and Gowari" as at present. The Bill seeks to remove misunderstanding and doubts by substituting the words "Gond Gowari" with the word "Gowari"

The Bill seeks to achieve the above objective.

NEW DELHI;
March 15, 1990.

UTTAMRAO PATIL.

BILL NO. 57 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1990.

Amend-
ment of
article
155.

2. Article 155 of the Constitution shall be re-numbered as clause (1) thereof and after clause (1) as so re-numbered, the following clause shall be inserted, namely:—

“(2) The President shall, while appointing the Governor of a State, take into consideration the views, if any, of the Chief Minister of the State.”.

STATEMENT OF OBJECTS AND REASONS

Consultation by the Union Government with the Chief Minister of a State for the appointment of Governor of that State is considered essential for healthy Centre-State relations.

The framers of the Constitution did not incorporate the procedure in specific terms but left its evolution to practical experiences in this regard. The practical experiences, however, show that the process of consultation can be ensured only if it is incorporated in the Constitution itself. Although the Union Government claims that such consultation does take place, there are instances when such consultation did not take place. It may be pointed out that some times the Union Government merely informs the Chief Minister concerned about its decision appointing the Governor. Intimation of the decision does not amount to consultation which involves a procedure as well as inter-actions. It means the ascertainment of the views of the Chief Minister as to the suitability of the person proposed to be appointed as the Governor.

Hence this Bill.

NEW DELHI;

PRAKASH KOKO BRAHMBHATT

March 26, 1990.

BILL No. 66 OF 1990

A Bill to provide for the right to trace one's lineage from the side of one's mother.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Mother's Lineage Act, 1990.

Establish-
ment of
lineage.

2. Notwithstanding anything contained in any law for the time being in force throughout the territory of India, it shall be unlawful for any Government, authority or person, to compel any other person who is a citizen of India to fill and sign any form, statutory or non-statutory, official or non-official, which provides for establishing a person's lineage only through his or her father or to prohibit him or her to write his or her mother's name instead.

Right to
refuse to
fill forms
in certain
cases.

3. After the coming into force of this Act, it shall be lawful for any citizen of India to refuse to fill a form requiring him or her to give his or her father's name or her husband's name and which does not give him or her the option to give the name of his or her father,

4. It shall be a grave misdemeanour under this Act for any person to describe any citizen of India as "bastard".

Misde-
meanour
under the
Act.

5. (1) Whoever compels any citizen of India to act in a manner contrary to the provisions of sections 2 and 3 of this Act or discriminates against any citizen on the ground of the citizen's refusal to act in a manner which is against the provisions of these sections, shall be punishable with rigorous imprisonment for a term which may extend to one month and fine of five hundred rupees or one month's imprisonment in lieu thereof.

Penalties.

(2) The misdemeanour mentioned in section 4 shall be punishable with rigorous imprisonment for a term which may extend to one year and a fine of five hundred rupees or one month's imprisonment in lieu thereof.

STATEMENT OF OBJECTS AND REASONS

The seven revolutions that are currently moulding the destiny of mankind are inter-related revolutions. Important among these revolutions is the transformation of the man-woman relationship and the establishment of equality between the two sexes. In order to make the man-woman equality a reality, the human mind will have to liberate itself from many obsolete concepts which are associated with the possessive property-conscious, male-dominated society.

The concept of "illegitimacy" and the practice of tracing one's lineage solely from the father's side is one such reactionary and fossilised concept. The reactionary attitudes, which form the unspelt basis of the present official and non-official practices, and decisions of the courts will have to be discarded completely if the egalitarian principles of the Constitution are to conform and elevate our social life.

In India, there has been going on for the last three thousand years a conflict between the liberal attitude on the one hand and the orthodox standpoint on the other. The story of the sage Jabali is well known. This "illegitimate" son of his mother when questioned about the identity of his father pleaded ignorance, went to his mother and when informed that she could not say definitely who his father was, came back and gave a truthful account of what his mother had told him. For his fearless and truthful utterance the people of ancient India not only honoured him but canonised him as a sage. The present reactionary attitudes, therefore are contrary to the liberal spirit to which the legend of Jabali bears witness.

The life of thousands of people and their mothers is being made miserable because of the fossilised attitudes that prevail in our society today. This Bill seeks to remove the stigma of "illegitimacy" from those thousands of unfortunate people, "illegitimate" sons and daughters of their mothers, who are being persecuted by society for no fault of theirs.

NEW DELHI;
March 30, 1990.

UMA BHARTI

BILL NO. 61 OF 1990

A Bill to provide for adequate representation of Scheduled Castes and Scheduled Tribes in posts and services under the Government of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Reservation of Vacancies in Posts and Services for Scheduled Castes and Scheduled Tribes Act, 1990.

Short
title,
extent
and
com-
mence-
ment,

(2) It shall extend to the whole of India including the State of Jammu & Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in that behalf.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “appointing authority in relation to a service or post in an establishment” means the authority empowered to make appointment to such service or post;

(b) "establishment" means any office of the Central Government, public sector undertaking or statutory authority constituted under any Central Act for the time being in force or a Corporation in which not less than 51 per cent. of the paid up share capital is held up by the Central Government and includes Universities and colleges affiliated to universities, primary and secondary schools and other educational institutions which are owned or aided by the Central Government;

(c) "establishment in public sector" means any industry, trade, business or occupation owned, controlled or managed by—

(i) Central Government or any Department of the Central Government;

(ii) any Government company as defined in section 617 of the Companies Act, 1956 or a corporation established by or under a Central Act;

1 of 1956.

(d) "prescribed" means prescribed by rules made under the Act;

(e) "recruitment year" means the financial year during which a recruitment is actually made;

(f) "reservation" means reservation of vacancies in posts and services for the Scheduled Castes and Scheduled Tribes;

(g) "Scheduled Castes" mean the Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950 made under Article 341 of the Constitution of India as amended from time to time;

(h) "Scheduled Tribes" mean the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India as amended from time to time;

(i) "select list" means the list of candidates arranged in order of precedence prepared according to the rules and orders issued by the Central Government in that behalf and adopted by the competent authority for making appointments in respect of initial recruitment and promotion.

Applica-
tion of
the Act.

3. This Act shall apply to all appointments to the posts and services under the Central Government establishments including those in public sector and; the statutory authorities, including universities and colleges affiliated thereto and other educational institutions owned or aided by Central Government.

Determi-
nation of
the per-
centage
to be re-
served.

4. (1) Except as otherwise provided in this Act, the vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall not be filled up by candidates not belonging to the Scheduled Castes and Scheduled Tribes.

(2) The reservation of vacancies in posts and services shall be at such percentage of the total number of vacancies as the Central Government may, from time to time, by order published in the Official Gazette, determines:

Provided that in the case of initial recruitment, the percentage so determined shall, in no case be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, in the total population as recorded in the latest census.

5. (1) The Central Government shall prescribe model rosters indicating the number of vacancies to be reserved for the Scheduled Castes and the Scheduled Tribes and the number to be left unreserved.

Prescription of rosters for vacancies.

(2) The appointing authorities shall maintain rosters in the prescribed form.

(3) The rosters shall be consulted for ascertaining the number of reserved vacancies.

6. The reserved vacancies in appointments shall be exchanged between the Scheduled Castes and the Scheduled Tribes in the event of non-availability of candidates from the respective categories, but the vacancies reserved for a particular category shall continue to be reserved for that category only for two recruitment years, and, if candidates are not available for appointment in particular reserved vacancies in the third year, the vacancy so filled by exchange shall be treated as reserved for the candidates of that particular category who are actually appointed.

Exchange of reservation between communities.

7. If in any recruitment year, the number of candidates either from the Scheduled Castes or the Scheduled Tribes is less than the number of vacancies reserved for them even after exchange of reservation between the Scheduled Castes and the Scheduled Tribes, the remaining vacancies may be advertised exclusively for Scheduled Castes and/or Scheduled Tribes to make special recruitment for them. If still the candidates from the Scheduled Castes and the Scheduled Tribes are not available, the reserved posts may be filled up by general candidates, after temporarily de-reserving the vacancies in the prescribed manner. The vacancies so de-reserved may be carried forward to subsequent five years of recruitment as prescribed for particular category of posts.

De-reservation of vacancies.

8. (1) If, no suitable Scheduled Castes and Scheduled Tribes candidates are available for the posts and services reserved for them, even after following the aforesaid procedure, the concerned Ministry/Department of Government of India, Public Corporation, etc. shall communicate the number of and qualifications for such posts to the Ministry as may be prescribed under the rules, and it shall be the duty of the said Ministry to select the appropriate number of Scheduled Castes and/or Scheduled Tribes candidates for whom the posts and services were initially reserved, and to train them at their own expense in the appropriate institutions.

Special arrangements for imparting technical training.

(2) On satisfactory completion of such training, such candidates shall be appointed to the reserved posts.

(3) The services of the general candidates, if any, who might have been appointed, on *ad hoc* basis, against the reserved vacancies, shall stand terminated, as and when a Scheduled Caste or Scheduled Tribe candidate, as the case may be, is appointed and joins the concerned post.

Relaxa-
tion of
age, fee
and pay-
ment of
travel-
ling
allow-
ance.

9. For initial appointment of the candidates from the Scheduled Castes and the Scheduled Tribes—

(a) The upper age limit prescribed for recruitment shall be increased by five years;

(b) fees prescribed for admission into competitive examination or interview for recruitment shall be reduced to one-fourth;

(c) the Scheduled Caste and the Scheduled Tribe candidates shall be paid travelling allowance to attend competitive examination or interview by the Union Public Service Commission, Staff Selection Commission or any other recruitment agency, office or body, at such rate as may be prescribed.

Process
of selec-
tion and
relaxa-
tion of
qualifi-
cations.

10. (1) For recruitment through Employment Exchange in the requisition sent to the Exchange, the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall be specified against the total number of vacancies.

(2) For recruitment made through the Union Public Service Commission or any Selection Board, agency or office, on the basis of competitive examination or interview, the advertisement shall specify the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes against the total number of vacancies reserved.

(3) In the absence of wider choice and where the number of the Scheduled Caste and Scheduled Tribe candidates is either equal to or less than the number of vacancies, they shall be considered suitable and recruited to the extent against those vacancies if they possess the minimum qualifications required for the posts or services:

Provided that the qualifying marks, in all the recruitment examinations, for the Scheduled Caste and the Scheduled Tribe candidates in the aggregate may be relaxed by 10 per cent., by the Central Government or the Union Public Service Commission:

Provided further that in case adequate number of the Scheduled Caste or the Scheduled Tribe candidates do not qualify a prescribed test, such of the candidates who have appeared in the test and who fulfil the prescribed educational qualification, but have failed in the prescribed test shall be arranged in the order of their merit and recruited on probation against such or remaining vacancies subject to passing the prescribed in-service training course within the period of probation.

(4) If the required number of Scheduled Castes and Scheduled Tribes candidates are not available for filling up the reserved vacancies, a fresh recruitment shall be made only from candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, for filling up the remaining reserved vacancies.

(5) If, after holding the special recruitment, the required number of candidates belonging to Scheduled Castes or the Scheduled Tribes are still not available or, if, the number of such candidates is less than the number of reserved vacancies, the vacancies which remain unfilled shall be temporarily filled by general candidates in accordance with procedure laid down in sections 6 and 7.

11. (1) Where promotion is to be made on the basis of seniority subject to fitness, the senior most Scheduled Castes and Scheduled Tribes officials shall be promoted to the next higher post or grade against reserved vacancies provided they possess the minimum qualifications and experience at relaxed standard required for such promotion.

Promotion on the basis of seniority.

(2) The number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under section 5.

12. Where promotion is to be made on the basis of selection, the procedure for filling up of the reserved vacancies shall be such, as may be prescribed, and the number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under section 5. The zone of the consideration shall be six times the number of posts or vacancies.

Promotion on selection.

13. Where selection is to be made from different services the recruiting or appointing authority shall select Scheduled Castes and Scheduled Tribes candidates to the extent of the reserved quota, provided such candidates satisfy the minimum conditions of qualifications and experience laid down in respect of the posts concerned.

Selection from different services.

14. In posts/services filled by direct recruitment or promotion, reservation is to be made for the Scheduled Castes and Scheduled Tribes at the time of confirmation at the prescribed ratio.

Reservation in confirmation.

15. (1) Every appointing authority shall furnish to the Government in the prescribed manner an annual report on appointments by the end of the month of July of the succeeding financial year and maintain such other records as may be prescribed.

Annual report of appointments.

(2) Any officer authorised by the Central Government in that behalf may inspect any record or documents, and require the appointing authority to produce the roster and other records relating to appointments made by him which are maintained in his office.

(3) It shall be the duty of the appointing authority to produce such records and documents furnish such information and afford all such assistance and facilities as may be necessary for the aforesaid purpose.

16. In each Ministry, Department or establishment, an officer of senior rank, authorised by the Government or chief executive authority of an autonomous body, etc. in that behalf shall act as liaison officer in respect of the matters provided in this Act. He shall be specially responsible for—

Responsibility of Heads of Departments.

(a) ensuring proper implementation of the provisions of this Act and the rules made thereunder;

(b) ensuring compliance by the subordinate authorities;

(c) ensuring timely submission of returns;

(d) conducting annual inspection of roster and such other records;

(e) ensuring necessary assistance to the Commission for Scheduled Castes and Scheduled Tribes, Parliamentary Committee on the

Welfare of Scheduled Castes and Scheduled Tribes, any other Agency or statutory body appointed by the Government to investigate the complaints received from organisations or individuals belonging to the Scheduled Castes and Scheduled Tribes.

Standing
Com-
mittee.

17. There shall be a Standing Committee consisting of the following members, namely:—

(a) Prime Minister—Chairman

(b) Minister of Home Affairs—Member

(c) Three Members of Parliament belonging to Scheduled Castes/Tribes to be nominated by the Government—Member;

(d) Minister-in-charge for the Welfare of Scheduled Castes/Tribes— Member; and—

(e) Cabinet Secretary—Secretary.

Func-
tions of
the
Standing
Com-
mittee.

18. The Standing Committee appointed under section 17 shall perform the following functions, namely:—

(a) review of the implementation of the provisions of this Act and the rules made thereunder, twice in a financial year;

(b) suggest measures for the removal of difficulties in such implementation or for the improvement thereof; and

(c) perform such other functions as the Central Government may, from time to time, assign to the Committee.

Annual
report to
be laid
before
Parlia-
ment.

19. The Central Government shall prepare an annual report on the working of this Act and lay it before each House of Parliament for a period of not less than fifteen days in the Budget Session of the succeeding financial year.

Penalty.

20. If an appointing authority makes an appointment in contravention of the provisions of this Act, he shall be punishable with fine which may extend to rupees five thousand or simple imprisonment for one year or both:

Provided that special provisions shall be prescribed by appropriate authority when the appointing authority is other than Government, Public Corporation, Autonomous body, etc.

Cogni-
zance.

21. No prosecution for an offence under this Act shall be instituted except by or with the sanction of the Central Government.

Removal
of diffi-
culties.

22. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as appear to it to be necessary for removing the difficulty.

Inspec-
tion of
Records.

23. Notwithstanding anything contained in the Central Services (Conduct) Rules, any member of any Scheduled Caste or Scheduled Tribe who is adversely affected on account of the non-compliance with the provisions of this Act or the rules made thereunder by any appointing authority may bring the fact to the notice of the Central Government

or the Commission for Scheduled Castes and Tribes, and upon application made by him the Central Government or the Commission for Scheduled Castes and Tribes may call for such records or take such action thereon as it may think fit.

24. (1) The Central Government may, after previous publication in the Official Gazette, make rules for carrying out all or any of the purposes of this Act.

Power
to make
rules.

(2) In particular and without prejudice to the generality of the foregoing powers they may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

25. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or rule, order or resolution made by the Central Government.

Over-
riding
effect
of the
Act.

STATEMENT OF OBJECTS AND REASONS

The provisions of reservation in posts and services having not been codified, there has been apathy and unwillingness on the part of most of the officers in implementation thereof. As a result of this in none of the Ministries/Departments, Public Undertakings, etc., the quota of Scheduled Castes and Scheduled Tribes is full even after 42 years of independence and 40 years of adoption of the Constitution.

The penalty clause in the Bill will serve as deterrent to the wilful defaulters in implementation of provisions contained in Article 335 of the Constitution.

The Bill is intended to ensure implementation of the provisions contained in the Constitution.

NEW DELHI;
March 30, 1990

CHHAVIRAM ARGAL

FINANCIAL MEMORANDUM

Clause 8(1) of the Bill provides for special arrangement for imparting Technical Training. Though the exact number of such training centres cannot be assessed at this stage, yet it is estimated a recurring expenditure of rupees ten lakhs is likely to be involved.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the Central Government to make rules to carry out all or any of the purposes of this Act.

These powers are within the ambit of the delegated legislation.

BILL No. 64 OF 1990

A Bill to provide for security to the families of marginal farmers and agricultural workers.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Marginal Farmers and Agricultural Workers Family Security Act, 1990.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “agricultural worker” means a worker who has no land and works on a farm on daily wage basis;

(b) “benefit” means the benefit given to the legal heir of the deceased head of the family;

(c) “family” means husband, wife and dependent children; and

(d) “marginal farmer” means a farmer owning half hectare of wet land or one hectare of dry land.

Short
title
and
commen-
cement.

Definitions.

Payment
in case of
death.

3. If a marginal farmer or an agricultural worker, who is the head of the family, dies before he attains the age of fifty years and if there is no major son in the family, his family shall be paid rupees five thousand as compensation by the Central Government.

Family
Security
Fund.

4. A Family Security Fund shall be constituted by the Central Government to implement the provisions of the Act.

Procedure
for giving
benefit to
legal heir.

5. (1) Within one month of the death of the head of the family in which there is no major son, the legal heir of such person may apply to the respective State Government.

(2) The State Government, on receiving the application of the legal heir of the deceased head of the family, shall enquire into the case and, if found correct, recommend to the Central Government for giving benefit to the legal heir.

(3) On receiving the recommendation of the State Government, the Central Government shall give the benefit to the said legal basic.

STATEMENT OF OBJECTS AND REASONS

Many marginal farmers and agricultural workers meet with premature death due to various reasons. If they die before their fiftieth year and if there is no major male member in the house, the economy of the family will be shattered and the other members of the family will not be in a position to cultivate the land or earn anything for their livelihood.

As the marginal farmers and agricultural workers are very weak financially, they will not be able to contribute anything to the Family Security Fund. Therefore, it is proposed to constitute a Family Security Fund to help the families of the deceased marginal farmers and agricultural workers.

Marginal farmers and agricultural workers are responsible for much of the agricultural production. Unless they are protected they will be ruined economically. If the head of the family dies and if there is no major male member in the family it is very difficult for that family to earn their livelihood. Therefore, it is quite necessary to provide security to the families of the above categories of persons.

Hence this Bill.

NEW DELHI;
March 30, 1990.

UMABHARTI

FINANCIAL MEMORANDUM

Clause 3 provides that if an agricultural worker or a marginal farmer dies before fifty years of age, his family shall be paid Rs. 5,000/- as compensation by the Central Government. Clause 4 provides for constitution of Family Security Fund by the Central Government.

It cannot be estimated as to how much money will be spent on payment of compensation to families of the deceased persons. However, an annual recurring expenditure to the tune of rupees ten crores is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure will be involved.

BILL No. 65 OF 1990

A Bill to provide for the welfare of women employed in various industries and establishments

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Working Women Welfare Act, 1990.

(2) It extends to the whole of India.

Short
title
and
extent.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “appropriate Government” means, in relation to the centrally owned public sector undertakings, the Central Government and in relation to any other public undertakings, the State Governments;

(b) “child” includes a still-born child;

(c) “employer” means—

(i) in relation to an establishment which is under the control of the appropriate Government, a person or authority appointed by the appropriate Government, for the supervision and

control of employees or where no person or authority is so appointed, the head of the department;

(ii) in relation to an establishment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed the chief executive officer of the local authority;

(iii) in any other case, the person who, or the authority which, has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person;

(d) "establishment" means—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) an agricultural field;

(v) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

(e) "factory" means a factory as defined in the Factories Act, 1948;

63 of 1948.

(f) "Fund" means the Working Women Welfare Fund constituted under section 3 of this Act;

(g) "industry" means an industry as defined in the Industrial Disputes Act, 1947;

14 of 1947.

(h) "women" means and includes a woman employed, whether directly or through any agency, for wages or for similar other consideration in any establishment or industry;

(i) definition of any other term relating to women employees, for the purpose of this Act, shall be the same as defined in any labour law, applicable in such cases.

Constitution of Working Women Welfare Fund.

3. (1) The Central Government shall constitute a Fund to be called the employees of women employees each shall Working Women Welfare Fund for carrying out the purposes of section 4.

(2) The Government and the employers of women employees each shall contribute separately to the Fund at the rate of ten per cent of wages payable to each of the women employed by an employer.

(3) The women employees shall not be required to contribute anything to the Fund.

Application of Fund.

4. The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the measures which are necessary or expedient to promote the welfare of the women employees employed in various industries and establishments, including Government

establishments and to defray the cost of measures for the benefit of women employees employed in various industries and establishments and in particular—

(i) to ensure the right to work for the women employees in any industry or establishment;

(ii) to ensure equal wages to women employees.

(iii) to ensure steady and definite increase of the women employees in the total work force;

(iv) to ensure, after suitable amendments, proper application of the existing labour laws for the benefit of the women employees;

(v) to ensure child care facilities for the women employees with minimum needs like milk, tiffin, clothes, toys and trained ayahs to look after the children;

(vi) to ensure mobile child care facilities for agricultural women employees;

(vii) to ensure retiring rooms with adequate facilities like bath-rooms, latrines, etc. at the work-site for the women employees;

(viii) to ensure residential facilities for the women employees nearest to the place of work;

(ix) to ensure recreational facilities for the kids of the women employees at the child care centres.

(x) to ensure proper and adequate security arrangements for the women employees at the work site as well as to and from their residential places;

(xi) to ensure improved and conducive working conditions for the women employees;

(xii) to ensure reservation of beds in the hospitals for women employees;

(xiii) to ensure proper and adequate maternity facilities for the women employees;

(xiv) to ensure equality for married and unmarried women employees in the employment as well as in service conditions and wages;

(xv) to ensure hostel facilities for women employees, both married and unmarried, nearest to the place of work;

(xvi) to ensure cheap, safe and quick transportation facilities for women employees;

(xvii) to ensure protection from health hazards, particularly for the women employees working in industries like cashew, mines, tobacco, construction projects, etc.

5. The Government shall ensure representation of women employees in various committees of trade unions formed for the purposes of working class.

Representation
of women
employees in
trade
unions.

Constitu-
tion of
Advisory
Com-
mittees.

6. (1) The Central Government shall constitute for each area, where industries and establishments are situated, Advisory Committee in respect of the area at the city level, district level and an apex body at State level, consisting of equal number of representatives from the appropriate Government, the employees and the trade unions, who shall preferably be women, to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by the Central Government including matters relating to the application of the Fund.

(2) The members of committees so constituted shall from amongst themselves elect the Chairman of the committees.

(3) The Central Government shall publish in the Official Gazette the names of the members of all Advisory Committees.

Central
Advisory
Com-
mittee.

7. The Central Government shall constitute a Central Advisory Committee which shall co-ordinate the functioning of all the Advisory Committees for their proper functioning and for the adoption of uniform policies.

Appoint-
ment of
officers.

8. The appropriate Government may, by notification in the Official Gazette, appoint as many officers as it may deem necessary for the proper enforcement of the provision of this Act.

Register
of women
emplo-
yees.

9. The Advisory Committee at the district level shall maintain a register of women employees in its area and the information contained therein shall be checked with the information supplied by each employer of the area regarding women employed by them and their specific needs, if any.

Annual
report
of Ad-
visory
Com-
mittees.

10. Each Advisory Committee shall, as soon as may be after the end of each financial year, prepare a comprehensive report of its activities, of the previous year, which were financed from the Fund, together with a statement of accounts.

Employer
to fur-
nish in-
formation
in res-
pect of
women
emplo-
yees.

11. The appropriate Government may require an employer, who employs women in his industry or establishment, to furnish for the purposes of this Act, such statistical and other information, in such form and within such period as may be prescribed.

Over-
riding
effect
of the
Act.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law or in the terms of any award, agreement or contract of employment, whether made before or after the coming into force of this Act, but where under any such award, agreement, contract of employment or otherwise, a women employee is entitled to benefits in respect of any matters which are more favourable to her than those to which she would be entitled under this Act, she shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefits in respect of other matters under this Act.

Power to
make
rules.

13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The number of working women in industries and establishments is substantial and their living conditions need amelioration. Welfare facilities which are at present being made available to and enjoyed by the working women in various industries and establishments, are not adequate and satisfactory. These measures have limited coverage in as much as they prescribe some measures to improve the working conditions of the working women in industrial premises only, such as cleanliness, ventilation, first aid, canteen regulated working hours, weekly holidays, etc. In so far as the field of labour welfare is concerned, the existing enactments do not provide for proper medical, educational, recreational facilities for them as well as for the children of the working women. Regarding security, transport, accommodation, special facilities for some special problems peculiar to women, no enactment has been made. There are enough loopholes for the employees to escape the provisions of the existing enactments. Hence, it is felt that the burden to give reasonable working conditions and other facilities to the working women must fall upon the Government. A common fund for the welfare of the working women in all the industries and establishments will considerably reduce the administrative expenditure as well as the gap between the need and the availability of welfare measures for the working women. This Bill is intended to supplement the efforts of the employers or the Government in ameliorating the living conditions of the working women.

NEW DELHI;
March 30, 1990.

UMA BHARTI.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Working Women Welfare Fund. The Central Government and employers of women employees shall each contribute separately ten per cent. of the wages paid by them to the women employees. Clause 6 provides for the constitution of Advisory Committees at the city level, district level and State level. Clause 7 provides for the constitution of a Central Advisory Committee. Clause 8 provides for the appointment of officers for the proper enforcement of the Act. Clause 9 provides for the district level committees to maintain a register of women employees in its area. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve expenditure of about rupees five crores per annum.

A non-recurring expenditure of about rupees five lakhs is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO 60 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1990. Short title.

2. For article 263 of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 263.

“263. (1) There shall be established an inter-State Council charged with the duty of— Establishment of an inter-State Council.

(a) inquiring into and advising upon disputes which may have arisen between States;

(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or

(c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject.

(2) The Council shall consist of the Prime Minister, the Union Minister of Home Affairs and the Governors and the Chief Ministers of the States.

(3) The Prime Minister shall be the Chairman of the Council.

(4) The Council may invite any other member of the Union Council of Ministers and an administrator of a Union territory to the Council, whenever considered necessary.

(5) The Council shall meet at least twice in a year.

(6) The Council shall have a Secretary who shall be appointed by the President under his hand and seal on the advice of the Prime Minister in consultation with the Chief Ministers of the States.

(7) The term of office of the Secretary shall be five years.

(8) The other terms and conditions of service of the Secretary shall be such as may be laid down by the Council.

(9) The Council shall frame an annual budget to which the Central Government and the Government of the States shall contribute equitably.

(10) The Council shall have the power to lay down its own procedure.

(11) The decisions taken by the Council shall be laid before both Houses of Parliament and the decisions so ratified shall be final.”.

STATEMENT OF OBJECTS AND REASONS

Article 263 of the Constitution enjoins upon the President to set up an inter-State Council for the purpose of co-ordination between States if he is satisfied about the need for it. The article is interpreted as one of recommendatory nature and not of mandatory one. Relying on this interpretation, the Government have persistently refused to advise the President to set up such an inter-State Council as contemplated in the Constitution. As such, a Council has not yet been set up.

The Administrative Reforms Commission, although did not share the view of changing the Constitution for more harmonious relations between the Centre and States, did recommend the use of this enabling provision to set up a Council. The recommendation, however, did not find favour with the Government presumably because of the interpretation referred to above.

In the changed political condition, particularly marked by the advent of multi-party polity, the need for a forum for mutual exchange of views on issues which concern the States as well as the Centre, is highly imperative. This Council cannot be brought into existence unless the article is made mandatory. The disputes between the States have been increasing and no final decision has been arrived at. This is causing great unrest in the various states. Hence it has become necessary to amend the Constitution to establish an inter-state Council.

The Bill seeks to achieve the above objective.

NEW DELHI;
April, 5, 1990.

PRAKASH KOKO BRAHMBHATT

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of an inter-State Council. The Council will have a Secretary and a Secretariat. There ~~will be no expenditure~~ from the Consolidated Fund of India in the case of the Members of the inter-State Council in as much as all of them will already be the functionaries of the Central or State Governments or of the Administrations of the Union territories, drawing their salaries and allowances from the respective Governments and the Union territories.

There will, however, be expenditure involved from the Consolidated Fund of India in respect of the office of the Secretary and his Secretariat which may have to be created. Moreover, the Central Government has to contribute to the budget of the Council. The recurring expenditure on this account may, approximately, be of the order of rupees three lakhs per annum. There will also be involved a non-recurring expenditure of about rupees fifty thousand at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides for laying down by the Council the terms and conditions of the service of the Secretary to the inter-State Council sought to be established therein. Provision has also been sought to be made empowering the Council to lay down its own procedure. The matters with respect to which the Council will make rules are matters of details only. The delegation of legislative power, therefore, is of a normal character.

BILL No. 67 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1990.

Insertion
of new
Part
XVIA.

2. After Part XVI of the Constitution, the following Part shall be inserted, namely:—

“Part XVIA

SPECIAL PROVISIONS RELATING TO WOMEN

Reserva-
tion of
seats for
women
in the
House
of the
People.

342A. (1) Notwithstanding anything in this Constitution, seats shall be reserved for women in the House of the People.

(2) The number of seats reserved in any State or Union territory for women under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the House of the People as the population of women

in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.

342B. (1) Notwithstanding anything in the Constitution, seats shall be reserved for women in the Legislative Assembly of every State.

(2) The number of seats reserved for women in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of women in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State."

Reserva-
tion of
seats for
women
in the
Legisla-
tive
Assemb-
lies
of the
States.

STATEMENT OF OBJECTS AND REASONS

Despite various policies and programmes being followed by the Government for the emancipation of women, they continue to be the suppressed strata of society in our country. Liberation of women from the clutches of conservatism and traditional taboos is essential for the development of our society. A direct and meaningful struggle for liberation of women is practicable only if they are adequately represented in our legislatures. It is, therefore, necessary to bring forward a legislation providing for reservation of seats for women in the House of the People and Legislative Assemblies of States. The Bill seeks to achieve this objective.

NEW DELHI;
April 10, 1990.

C. P. MUDALAGIRIYAPPA

BILL NO. 74 OF 1990

A Bill further to amend the Code of Civil Procedure, 1908

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1990. Short title.

5 of 1908

2. In section 34 of the Code of Civil Procedure, 1908, in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:— Amendment of section 34.

“Provided further that where the liability in relation to any sum adjudged arises out of commercial transaction involving any nationalised bank, the rate of interest shall be awarded at the contractual rate, and where there is no contractual rate, the rate at which moneys are lent or advanced by nationalised banks in relation to commercial transactions.”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Code of Civil Procedure, 1908 so as to provide that interest rate to be awarded by Courts to nationalised banks in respect of decrees awarded in their favour for disputes arising out of commercial transactions shall be at contractual rates and not at the discretion of the Courts.

NEW DELHI;
April 10, 1990.

MULLAPPALLY RAMACHANDRAN.

BILL NO. 71 OF 1990

A Bill to provide employment to one member of every family.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Provision of Employment Act, 1990.
- (2) It extends to the whole of India.

2. The Central Government shall provide employment to at least one member of every family consisting of husband, wife and two children:

Provided that if employment is not provided to a member of a family, the Central Government shall pay an unemployment allowance of rupees five hundred per month to the family.

3. The Central Government shall provide employment to at least to two members of every family consisting of husband, wife, two children and dependent parents, brothers and sisters, of either of the spouse:

Provided that if employment is not provided to any member of such a family, the Central Government shall pay an unemployment allowance of rupees one thousand per month to such a family:

Provided further that if employment is provided to one member of such a family, the Central Government shall pay an unemployment allowance of rupees five hundred per month to such a family.

4. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act,

Short
title
and
extent.

Provi-
sion of
employ-
ment
to one
member
of a
small
family.

Provi-
sion of
employ-
ment
to two
members
of a
large
family.

Power to
make
rules,

STATEMENT OF OBJECTS AND REASONS

There are large number of families in the country where there is not even a single earning member, with the result that they have to face great problems of livelihood. These families are forced either to go for begging or keep their children as bonded labourers and thus making them life long slaves. The rich people take advantage of their poverty.

Therefore, it is necessary to have legislation for providing employment at least to one member of each family.

Hence this Bill.

NEW DELHI;
April 11, 1990.

FRAKASH KOKO BRAHMBHATT

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that Central Government shall provide employment to at least one member of a family consisting of husband, wife and two children and in case employment is not provided to a member of a family, an unemployment allowance of rupees five hundred per month shall be given to the family. Clause 3 of the Bill provides for provision of employment to two members of a family consisting of husband, wife, children and their dependent parents, brothers and sisters and for payment of unemployment allowance of rupees one thousand per month in case employment is not provided to any member of such a family and an unemployment allowance of rupees five hundred in case employment is provided to only one member of such a family. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. No exact estimate can be given for the present. However, it is estimated that an annual recurring expenditure of about rupees five hundred crores is likely to be involved.

A non-recurring expenditure of about rupees two hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 72 OF 1990

A Bill to provide for a house to every citizen of the country.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizens (Provision of Compulsory Housing) Act, 1990.

Short
title and
extent.

(2) It extends to the whole of India.

2. The Central Government shall provide a house to live in, with drinking water facility, to every citizen of the country.

Provi-
sion of
housing
to all citi-
zens.

Explanation.—For the purposes of this Act, “house” means,—

(a) a two room set of appropriate size alongwith a bathroom and a kitchen to every family consisting of husband, wife and two dependent children; and

(b) a three room set of appropriate size alongwith a bathroom and a kitchen to every family consisting of husband, wife, dependent children and dependent parents, sisters and brothers.

STATEMENT OF OBJECTS AND REASONS

There are large number of people in the country who do not have a place to live in. There are large number of people in the country who live in slums under unhygienic conditions and fall victim to a number of diseases. Also, a large number of people spend their nights on pavements in most unhygienic conditions.

They are the victims of weather throughout the year, whether biting cold, hot summer or the rains.

The Government, even after 42 years of independence, have not been able to provide a place worth to live in to all citizens in the country. Therefore, there is an urgent need to provide a place to live to those people who live without roof over their heads.

Hence this Bill.

NEW DELHI;
April 11, 1990.

PRAKASH KOKO BRAHMBHATT

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall provide a house to live in to every citizen of the country. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees one thousand crores is likely to be involved.

A non-recurring expenditure of about rupees three hundred crores is also likely to be involved.

SUBHASH C. KASHYAP,
Secretary-General.

